

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF LOUISIANA**

**STANDING ORDER 2021-1**

**PROCEDURES FOR FILING, SERVICE AND MANAGEMENT  
OF HIGHLY SENSITIVE DOCUMENTS**

Considering that recent wide-spread breaches of both private sector and government computer systems support the need for measures to protect highly sensitive documents ("HSDs"), good cause exists to require the filing of HSDs outside the court's electronic filing system. Accordingly, pursuant to Fed. R. Bankr. P. 5005(a)(2)(A) and Fed. R. Civ. P. 5(d)(3), made applicable by Fed. R. Bankr. P. 7005,

IT IS ORDERED that the filing of HSDs shall be subject to the procedures and requirements set forth in this order, effective the date of this order. This Standing Order supersedes all inconsistent provisions in local rules and other standing orders of this court.

1. Documents Subject to this Order

These filing procedures apply to documents that contain highly sensitive information, defined as highly sensitive, non-public information that if obtained without authorization and improperly released, could cause harm to the United States, the federal Judiciary, litigants or others.

- a. The following types of documents may be deemed HSDs: documents relating to matters of national security, foreign sovereign interests or cybersecurity; the extent of domestic or international interests; the involvement of public officials; and intellectual property or trade secrets of interest to foreign actors.

The following types of documents typically are not considered HSDs: bank records, personally identifiable information, social security records, health records, administrative immigration records, sealed *qui tam* cases and sealed filings in most bankruptcy cases and adversary proceedings. Notwithstanding the foregoing, this court pursuant to 11 U.S.C. § 107 retains the authority to seal documents that are not HSDs.

- b. The presiding judge will determine whether a document is an HSD.

## 2. Obtaining Authorization to File a Document as an HSD

Before filing an HSD, a person must move for an order authorizing the treatment of the filing as an HSD.

### a. Represented Parties

- i. A represented party must move electronically to treat a document as an HSD in accordance with Administrative Procedure II.D. for filing documents under seal. The motion shall set forth facts supporting the conclusion that the document is an HSD under the criteria in paragraph 1 of this Standing Order, or otherwise should be subject to the heightened protection for HSDs. The proposed HSD shall not be attached to the motion.
- ii. Promptly after the motion is filed, the filing party shall deliver to the Clerk of Court two paper copies of the proposed HSD and a certificate of service demonstrating compliance with paragraph 2.c. The documents shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." A copy of the HSD's caption page (with confidential information redacted) and a copy of the notice of electronic filing generated from CM/ECF upon the filing of the motion to treat the document as highly sensitive shall be attached to the envelope.

### b. *Pro se* Parties

*Pro se* parties shall submit to the Clerk of Court two paper copies of a motion to treat a document as an HSD, the proposed HSD and a certificate of service demonstrating compliance with paragraph 2.c. The required documents shall be submitted to the clerk's office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." A copy of the HSD's caption page (with confidential information redacted) shall be attached to the envelope.

### c. Service by All Parties

The mover must serve the motion pursuant to Fed. R. Bankr. 7004 and Local Rule 7004-1 or Fed. R. Bankr. P. 9013 and Local Rule 9013-4, as applicable, and file a certificate of service.

### d. Issuance of Court Order

The court will issue an order on the motion and, if granted, an informational entry will be made on the case docket indicating that the HSD has been filed with the court. The Clerk of Court will maintain the HSD in a secure paper filing system.

If the motion is denied, the proposed HSD will be deemed withdrawn and may be retrieved from the clerk's office by the filing party or counsel within ten calendar days from the date of entry of the order. After ten calendar days, the Clerk of Court may destroy the proposed HSD without further notice.

3. Service of Highly Sensitive Court Orders

If the court determines that a court order contains highly sensitive information, the Clerk of Court will maintain the order in a secure paper filing system and will serve a paper copy of the order on the mover by mail.

4. Removal of Existing HSDs or Highly Sensitive Cases from the Court's Electronic Filing System

- a. On motion of a party in interest or on its own motion, the court may determine that a document, case or any portion of it that has been filed electronically is highly sensitive and direct that the HSD or case or any portion of it be removed from the court's electronic filing system and maintained by the Clerk of Court in a secure paper filing system.
- b. A party's motion to remove an HSD or highly sensitive case or any portion of it from the court's electronic filing system shall set forth facts supporting the conclusion that a document or case or any portion of it is highly sensitive under the criteria in paragraph 1.b. or otherwise should be subject to the heightened protection for HSDs. The motion shall be served pursuant to paragraph 2.c.

5. Questions about HSD Filing Procedures

Any questions about HSD filing procedures should be directed to the Clerk of Court at [helpdesk@lamb.uscourts.gov](mailto:helpdesk@lamb.uscourts.gov) or 225.346.3333.

Baton Rouge, Louisiana, March 9, 2021.

**s/ Douglas D. Dodd**  
DOUGLAS D. DODD